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CF(100) - ④

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
CHHATTISGARH

W. P. (S) No. 996/07 12007

PETITIONER

: Gajanand Prasad Dubey, S/o.
 Shri Hanuman Prasad Dubey,
 aged about 40 years, Working
 as Assistant Teacher, Govt.
 Primary School - Anjoripali
 Block- Korba Distt. - Korba
 (C.G.)

12/20/07
 Presented by Mr. Amit Sharma
 dated 13/2/07

RESPONDENTS**VERSUS**

1. State of Chhattisgarh Through
 The Secretary Department of
 School Education D.K.S. Bhawan,
 Mantralaya Raipur (C.G.)
2. The District Education Officer,
 Distt. - Blaspur(C.G.)
3. Assistant Commissioner,
 Tribal Welfare Department
 Korba (C.G.)
4. Block Education Officer,
 Block - Korba, Kartala, Katghora
 Distt. - Korba (C.G.)

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WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN
NATURE OF MANDAMUS, CERTIORARI OF ANY OTHER
WRIT OF LIKE NATURE

The petitioner most humbly begs to submit as under:-

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HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P.(S) No. 996 of 2007

Petitioner : Gajanand Prasad Dubey
Versus

Respondents : State of Chhattisgarh and others

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Present: Mr. Amit Sharma, Advocate for the petitioner.

Ms. Deepali Pandey, P.L. for the respondents/State.

ORDER

(Passed on 21st Day of February, 2007)

1. The petitioner was appointed vide order dated 21/6/1986 (P/1) as Assistant Teacher on fixed pay scale of Rs. 300/-. After completion of one year probation, he was granted regular pay scale.
2. Learned counsel appearing for the petitioner submits that the issue involved in the case is asto whether, the petitioner is entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period.
3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken-up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the

decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4. Learned counsel appearing for the petitioner further submits that this Court, while considering the same issue in Sushil Tiwari & others Vs. State Govt. of Chhattisgarh & others (W.P. (S) No. 5976 of 2006) by order dated 7-11-2006, has granted regular pay scale w.e.f. the date of initial appointment.
5. Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Sushil Tiwari & others Vs. State Govt. of Chhattisgarh & others (Supra).
6. In view of that this petition is allowed in the same terms. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Yogesh